

**REGULAR CITY COUNCIL MEETING
FRISCO MUNICIPAL COMPLEX
8750 MCKINNEY ROAD
COUNCIL CHAMBERS
FRISCO, TEXAS 75034
5:30 P.M.
December 16, 2003**

MINUTES

1. Call to Order.

Mayor Simpson called the Meeting to order at 5:30 p.m. and announced a quorum was present.

Those present were: Mayor Simpson, Mayor Pro-Tem Maso, Deputy Mayor Pro-Tem Lafata, Council member West, Council member Joyner and Council member Felker. Council member Allen arrived at 5:34 p.m.

Those representing staff were: City Manager George Purefoy, Deputy City Manager Henry Hill, Assistant City Manager Scott Young, Assistant City Manager Jason Gray, Director of Planning & Development John Lettelleir, Director of Engineering Cissy Sylo, and Senior Administrative Assistant, Deanna Quigley. City Attorney Richard Abernathy. Richard Abernathy, City Attorney arrived at 5:40 p.m.

2. Recess into Closed Session in compliance with Section 551.001 et. seq. Texas Government Code,

Council member West moved to recess into Closed Session at 5:30 p.m. Council member Joyner seconded the Motion. Motion carried. Vote: 5-0.

Mayor Simpson announced the Council was in Closed Session at 5:30 p.m. as authorized by the Texas Government Code; to wit:

- a) Section 551.087. Deliberation regarding commercial or financial information that the City has received from a business prospect and to deliberate the offer or other incentives to a business prospect.
- b) Section 551.072. To deliberate the purchase, exchange, lease or value of real property located:
 - i. south of Eldorado Parkway, north of Stonebrook Parkway, east of Teel Parkway, and west of SH 289;
 - ii. south of FM 3537, north of SH 121, east of Dallas North Tollway, and west of Hillcrest Road.

- c) Section 551.071. Meeting with City Attorney regarding a matter(s) in which the duty of the City Attorney under the Texas Disciplinary rules of Professional Conduct of the State Bar of Texas conflicts with the Open Meetings Act regarding:
- i. Boundary issues with McKinney and The Colony
 - ii. The Ghost Ranch and Wayne Kirk
 - iii. Legal issues regarding late hours alcohol sales
 - iv. Cause No. 5-643-02; City of Frisco, Texas vs. H. Roger Lawler and Frisco Master Plan, L.P.
 - v. Cause No. 219-595-00; Roger Lawler vs. Nick Digiuseppe d/b/a Southbrook Development Co. and Frisco Master Plan, LP vs. Roger Lawler
 - vi. Legal issues regarding political signs

3. Reconvene into Regular Session and take any action necessary as a result of the Closed Session.

Council member Allen moved to reconvene into Regular Session at 6:40 p.m. Council member West seconded the motion. Motion carried. Vote: 6-0.

4. Invocation.

Mayor Simpson gave the Invocation.

5. Pledge of Allegiance and The Pledge to Texas.

The Council led the Audience in the Pledge.

6. Citizen Input. (To begin approximately at 7:30 p.m.)

No one was present.

7. Reports.

- Presentation from Gateway Bank - Mayor Simpson and Council were presented with a Football, autographed by the Frisco Fighting Raccoons.
- Public Works Monthly Report
- Tax Department Monthly Report
- Administrative Services Monthly Report - Nell Lange, Director of Administrative Services was present to address the Council.
- Fire Department Monthly Report - Fire Chief Mack Borchardt was present to address the Council.
- Building Inspection and Code Enforcement Report - John Lettelleir, Planning & Zoning Director was present to address the Council.

- Police Department Monthly Report – Todd Renshaw, Chief of Police was present to address the Council. Ric Bentley, Director of Technology presented a power point presentation on wireless infrastructure for emergency services
- Hickory Springs Update by Cissy Sylo, Director of Engineering Services, stated that she would have a report ready Jan. 6, 2004.
- FISD Development Quarterly Report
- Project Status Tracking Reports

Discussion only, no formal action was taken.

8. Consent Agenda:

The Consent Agenda was considered for approval. Council member Allen moved to approve the Consent Agenda. Council Member Lafata seconded the motion. Motion carried. Vote: 6-0.

- A) Approval of the Minutes of the December 2, 2003 Regular City Council Meeting. (City Secretary)
- B) Adoption of **Resolution 03-12-233R** supporting efforts by local governments to implement programs to reduce air pollution. (City Council)
- C) Acceptance of a bid from LH Lacy Construction for the Eldorado Parkway improvements at the BNSF Railroad in the amount of \$3,949,736.00, and adoption of **Resolution 03-12-234R** authorizing the City Manager to enter into an Agreement for construction services. (Engineering)
- D) Acceptance of a bid from Dickerson Construction for Miscellaneous Water and Sewer Improvements in the amount of \$440,563.50, and adoption of **Resolution 03-12-235R** authorizing the City Manager to enter into an Agreement for construction services. (Engineering)
- E) Adoption of **Ordinance 03-12-101** amending the Project and Financing Plan of Frisco Tax Increment Reinvestment Zone #1 and expanding the boundaries of the Zone. (City Manager's Office/JG)
- G) Award of Bid Number 0308-083 for an annual contract for Move to the Right T-Shirts, to Safari Sun. (Fire)
- H) Award of Bid Number 0310-006 for the purchase of one (1) Type I Emergency Ambulance in the amount of \$172,620.00. (Fire)
- I) Approval of a purchase order for annual maintenance fees to Integrated Computer Systems, Inc. for hardware and software support in the amount of \$128,336.00. (Police)

- J) Authorization of the purchase of nine (9) Ford Crown Victoria Police Interceptors in the amount of \$181,791.00 for the Police Department from Philpott Motors. (Police)

END OF CONSENT AGENDA

Regular Agenda:

- 9) **Public Hearing Continued: Zoning Case Z03-0021, A request to rezone 20.0± acres located at the northeast corner of Parkwood Boulevard and John Hickman Parkway from Multifamily-1 to Patio Home and consider and act to instruct staff to prepare an Ordinance of the same. Neighborhood #30. Applicant(s): Willow Pond Development. (Planning & Development)**

John Lettelleir was present to address the Council.

John McFarland, of Willow Pond, was present to ask the Council to table and continue the Public Hearing until they could work out additional details. Mr. McFarland felt that they could be ready by the February 17, 2004 City Council Meeting.

Council Member Allen moved to table the request. Council Member Lafata seconded the motion. Motion carried. Vote: 6-0.

- 10) **Public Hearing Continued: Specific Use Permit SUP03-0012, A request for a Specific Use Permit for Private Streets in Willow Pond, Phase 2, on 20.0+ acres located at the northeast corner of Parkwood Boulevard and John Hickman and consider and act to instruct staff to prepare an Ordinance of the same. Neighborhood #30. Applicant(s): Willow Pond Development. (Planning & Development)**

John Lettelleir was present to address the Council.

John McFarland, of Willow Pond, was present to ask the Council to table and continue the Public Hearing until they could work out additional details. Mr. McFarland felt that they could be ready by the February 17, 2004 City Council Meeting.

Council Member Allen moved to table the request. Council Member Lafata seconded the motion. Motion carried. Vote: 6-0.

- 11) **Public Hearing/Second Hearing: Consideration of voluntary annexation of 26.3+ acres situated in the J. Morrell Survey, Abstract No. 864 Denton County, Texas located at the northwest corner of Main Street and future**

Legacy Drive. Requested by FLCT, Ltd. (Case A03-0015) (Planning & Development)

Council Member Joyner moved to open the Public Hearing. Deputy Mayor Pro Tem Lafata seconded the motion. Motion carried. Vote: 6-0.

City Attorney, Richard Abernathy, was present to address the Council. He stated the service plan was available for public inspection and that the property is contiguous to the existing city limits, is located within the City's ETJ and is eligible for annexation.

Deputy Mayor Pro Tem Lafata moved to close the Public Hearing. Council Member Joyner seconded the motion. Motion carried. Vote: 6-0.

There being no one else present to address the Council for or against, Council Member Joyner moved to close the public hearing. Deputy Mayor Pro Tem Lafata seconded the motion. Motion carried. Vote: 6-0.

Deputy Mayor Pro Tem Lafata moved to approve the request subject to the adoption of the ordinance. Council member Joyner seconded the motion. Motion carried. Vote: 6-0.

12)Public Hearing: Specific Use Permit SUP03-0013, A request for a Specific Use Permit for a Veterinarian Clinic and/or Kennel, Outdoor on 1.0+acre located on the southwest corner of Coit Road and Ray Minne Lane and consider and act to instruct staff to prepare an Ordinance of the same. Zoned Agriculture. Neighborhood #18. Applicant(s): Dr. L. Kevin Marcum, DVM.

John Lettelleir, Director of Planning & Zoning was present to address the Council.

Deputy Mayor Pro-Tem Lafata moved to open the Public Hearing. Council Member Joyner seconded the motion. Motion carried. Vote: 6-0.

Jim Tupper was present to address the Council. He stated that he and his neighbors were agreeable granting the Specific Use Permit, subject to no outdoor kennels.

There being no one else present to address the Council for or against, Deputy Mayor Pro Tem Lafata moved to close the public hearing. Council Member Joyner seconded the motion. Motion carried. Vote: 6-0.

Dr. Marcum was present to inform the Council that he was fine with the restriction to not allow outdoor kennels.

Council Member Joyner moved to approve the request subject to the adoption of the ordinance, with the addition of "no outside kennels". Council Member Allen seconded the motion. Motion carried. Vote: 6-0.

13) Adoption of Ordinance 03-12-102 to amend the Comprehensive Parks and Recreation and Open Space Ordinance 03-06-44 to include Participation Fees for the Frisco Senior Center. (Parks and Recreation)

Henry Hill, Deputy City Manager, was present to address the Council. He stated that there would be a resident fee of \$1.00 per month or \$12.00 per year and a non-resident fee of \$2.00 per month or \$24.00 annually.

Ernie Eggleston was present to address the Councils. He questioned if now was the right time for establishing fees. He suggested that we delay the fee cost.

Mayor Simpson stated that he wanted the public to be aware that the ordinance allows for the waiving of fees if someone could not financially afford it.

Council Member Allen stated that the first three visits were free, so Senior Citizens could try out the Center first before beginning the financial commitment. He felt that the administrative burden would outweigh the costs of what the fees would bring in. He stated that he was opposed to the fees for residents.

Council member Felker stated that he felt the fee was fine to help compensate for the administrative costs. He felt that we needed to be fair across the board, whether it be for Senior Citizens or for families using the Recreation Center.

Council member Allen moved to adopt **Ordinance 03-12-102, subject to changing the ordinance to state that there will not be a fee for City of Frisco residents and a \$2.00/month or \$24.00/month fee for non residents.** Deputy Mayor Pro-Tem Lafata seconded the motion. Vote: 5-1, with Council member Felker voting nay.

14) Revised Site Plan SP03-0018, A request to allow non-masonry materials on an industrial building on one lot of 20.7+acres on the south side of County Road 712 approximately 590+ feet west of North County Road. Zoned Industrial. Neighborhood #11. Applicant BMCW South Central, LP. (Planning & Development)

John Lettelleir, Director of Planning & Zoning was present to address the Council. He stated that the applicant would replace the four trees that will have to be removed.

Deputy Mayor Pro Tem Lafata moved to approve the request. Council Member Allen seconded the motion. Motion carried. Vote: 6-0.

15)Discussion and provide direction to staff to amend the sign ordinance as it relates to political signs. (City Council/MS)

Mayor Simpson discussed the number of days political signs could be displayed.

Council member Felker stated that the State Sign Ordinance supercedes the City Sign Ordinance so the City is limited on what they can or cannot allow. He stressed the importance of informing the public that if they have issues with the political sign ordinance, they should write their state representatives.

Council requested that John Lettelleir continue with amending the sign ordinance as is.

16)Consider and act upon appointments for Park and Recreation Board. (City Council/TF)

Jason Wyatt and Bruce Quinell are the two candidates on the list.

Council member Felker moved to appoint Bruce Quinell. Council Member Allen moved to close nominations. Deputy Mayor Pro Tem Lafata seconded the motion. Motion carried. Vote: 6-0.

Bruce Quinell was appointed by acclamation.

17)Consider and act upon payment to Shaddock Developers. Ltd in the amount up to \$500,000.00 for the construction of Spring Creek Parkway from S.H. 121 to Town & Country. (City Manager's Office/SY)

City Manager George Purefoy asked the Council to table this item because an agreement needs to be amended. Deputy Mayor Pro Tem Lafata moved to table this item until January 6th, 2004. Council Member Allen seconded the motion. Motion carried. Vote: 6-0.

18)Approval of an Ordinance approving the articles of incorporation and bylaws of NTEC for Technology, Inc. and authorize the Frisco Economic Development Corporation to represent the City of Frisco, Texas' interests in said documents. (FEDC)

Council member Allen, who is also Chairman of the EDC, stated that he had no relationship with NTEC, therefore he would not be stepping down on this item.

Jim Gandy, Director of EDC, was present to address the Council. He asked that the Council table this item, so that the IRS could award a 501(C)(3) status (charitable status) to NTEC and, to also reconstruct their Board.

Larry Calton, Executive Director of NTEC was present to address the Council agreed that we should work out some of the details before approving this request.

Council member West moved to table this item until Jan. 6. Council Member Allen seconded the motion. Motion carried. Vote: 6-0.

19)Approval of Development Agreement pertaining to 95.0+ acres located on the east side of Coit Road, 1,300+ feet south of FM 3537 by and between the City of Frisco and Highway 720 Commercial Joint Venture and adoption of Resolution 03-12-236R authorizing the City Manager to execute the Agreement. Neighborhood #17. (Planning & Development)

John Lettelleir, Director of Planning & Zoning was present to address the Council. He stated that we are not increasing the number of units.

Council member Felker moved to adopt **Resolution 03-12-236R**. Deputy Mayor Pro Tem Lafata seconded the motion. Motion carried. Vote: 6-0.

20)Adoption of Resolution 03-12-237R authorizing the City Manager to execute a Construction Services Agreement by and between the City of Frisco and Oncor in the amount of \$211,890.00 for removal of the City Gate gas distribution station and modifications to the related gas distribution system. (Engineering)

Cissy Sylo, Director of Engineering Services, was present to address the Council.

Council member Felker stated he was concerned that the money for this project was being taken out of the 2003 bonds. He didn't want to see another project be denied, due to lack of funds.

Ms. Sylo stated that this is an unfunded project, but because it is the City's responsibility to relocate the lines, we have to complete this project. 2003 Bond funds will be used, as there are no other funds available. Staff is working to update the financial status of all roadway bond projects. As future roadway projects are ready for development, Staff will provide Council with a 2003 Bond Project List to prioritize the projects if there are shortages in

funding and possible alternative ways to fund those projects. She stated that the City will do everything possible to financially support all of the 2003 Bond Projects that were presented to the public.

Council member Felker moved to adopt **Resolution 03-12-237R**. Deputy Mayor Pro Tem Lafata seconded the motion. Motion carried. Vote: 6-0.

21)Approval of a Lease Agreement by and between the City of Frisco and Main Place, LLC for property located at Main Street and Fifth Street and adoption of Resolution 03-12-238R authorizing the City Manager to execute the Agreement. (City Manager)

City Manager, George Purefoy was present to address the Council. He stated that when Hunter and Associates moved out of the current building, he would like to lease it to reduce overcrowding at City Hall. The building is located at Fifth and Main.

Council member West moved to adopt **Resolution 03-12-238R**. Council member Joyner seconded the motion. Motion carried. Vote: 6-0.

22)Consider and act upon whether to direct staff to submit a written notice of appeal on behalf of the City Council to the Planning & Development Department, pursuant to Article IV, Section 1.07(C) of the Comprehensive Zoning Ordinance and/or Section 4.05 of the Subdivision Regulation Ordinance, regarding action taken by the Planning & Zoning Commission on any site plan or plat. Any written notice of appeal must be submitted to the Planning & Development Department.

No action was taken.

23)City Council discussion with City Staff concerning any actions required by City Staff as a result of any item on tonight's agenda.

- Ric Bentley will provide backup information regarding his presentation on wireless infrastructure for emergency services.
- City Secretary's Office will provide a updated Attendance Report of all the City Boards.

24)Discussion on Governance Monitoring of present City Council Meeting.

Council member Felker monitored the City Council Meeting.

25)Adjourn.

There being no additional business, the meeting was adjourned at 8:40 p.m.